

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Operating Engineers Local #49 Health and
Welfare Fund and Central Pension Fund of the
International Union of Operating Engineers and
Participating Employers, Local #49 International Union
Of Operating Engineers and Associated General
Contractors of Minnesota Apprenticeship and
Training Program and their Trustees,

Court File No 07-247 PAM/JSM

v.

Howard Zaback, d/b/a Zaback Excavating.,

Plaintiffs,

ORDER

Defendant.

Based upon the Stipulation of the parties, the Clerk is directed to dismiss the above action with prejudice and without costs and disbursements.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 20, 2007

s/Paul A. Magnuson

Honorable Paul A. Magnuson
United States Senior District Judge